

## Planning Commission Staff Report

January 4, 2007



<b>Case:</b>	<b>9-50-06 &amp; 10-41-06</b>
<b>Project Name:</b>	<b>Judah Rock Springs Farm Condos</b>
<b>Location:</b>	<b>11405 Ballardsville Road</b>
<b>Owner(s):</b>	<b>Rock Springs Farm, LLC</b>
<b>Applicant:</b>	<b>Judah Real Estate Group</b>
<b>Representative:</b>	<b>Land Design &amp; Development, Inc.</b>
<b>Project Size/Area:</b>	<b>19.2</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>16 – Kelly Downard</b>
<b>Case Manager:</b>	<b>Beth Allen, Planning Supervisor</b>

### **Request**

The applicant requests approval of a change in zoning from R-4 Single-Family Residential to R-5A Multi-Family Residential on 19.2 acres and to subdivide the property into 3 buildable lots.

### **Staff Recommendation**

Staff recommends approval of the zoning change and the development plan subject to all associated binding elements contained within this report.

### **Case Summary/Background**

#### **Summary**

The subject site is a portion of a large parcel of 129.9 acres zoned R-4 and in the Neighborhood Form District with frontage on Ballardsville Road, a minor arterial. This development proposes to separate off 19.2 acres from the larger tract and rezone it to R-5A to contain a total of 78 units for a gross density of 4.06 du/acre.

The parcel is gently sloping and appears to have been used previously for agricultural purposes. According to the Natural Resource Conservation (NRCS) soil report, the soils of the parcel have favorable characteristics for residential development.

#### **Site Context**

There is exclusively low-density single-family residential zoning, all within the Neighborhood Form District, existing in the area surrounding the subject site. To the east of the property and continuing to the Jefferson-Oldham County line is the R-4 zoned Willow Creek subdivision. To the immediate north and west of the

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site is the recently approved and partially platted Rock Spring Farms R-4 zoned subdivision. Further east of that proposal is Worthington Place Subdivision, also zoned R-4. To the south of the site and across Ballardsville Road are large R-4 zoned lots and a parcel that was recently rezoned to R-5A (Netherwood Condominiums). Further south is the R-4 zoned Oakhurst Subdivision.

### ***Background/Previous Cases on Site***

The subject property is a portion of a 129 acre parcel that was approved in February 2006 as a standard R-4 single-family subdivision (Rock Springs Farm, docket no. 10-47-05) consisting of 340 buildable lots. This plan proposes to remove the eastern-most 19.2 acres from that plan for approval under the current proposal.

### ***Land Use / Zoning District / Form District***

	Land Use	Zoning	Form District
<b>Subject</b>			
<b>Existing</b>	Approved (unbuilt) Single-Family Subdivision (Rock Springs Farm)	R-4	Neighborhood
<b>Proposed</b>	Multi-Family Residential	R-5A	Neighborhood
<b>Surrounding</b>			
<b>North</b>	Approved Single Family Residential Subdivision (Rock Spring Farm)	R-4	Neighborhood
	Willow Creek Subdivision	R-4	Neighborhood
	Large Lot Single Family Residential	R-4	Neighborhood
<b>South</b>	Large Lot Single Family Residential	R-4	Neighborhood
	Netherwood Condominiums (recently approved)	R-5A	Neighborhood
	Oakhurst Subdivision	R-4	Neighborhood
<b>East</b>	Willow Creek Subdivision	R-4	Neighborhood
	Approved (unbuilt) Single Family Residential Subdivision (Rock Spring Farm)		
<b>West</b>		R-4	Neighborhood
	Worthington Place Subdivision	R-4	Neighborhood

### **Staff Findings**

#### **Community Form**

##### ***1.B.3 Suburban Neighborhood Form District & 3.1, Compatibility***

The site lies within the Neighborhood Form District, which is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing neighborhood areas. The proposed R-5A zoning and site design are not the predominate zoning and development pattern within the

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area, however; given the relatively low density proposed, the site's location on an arterial roadway, and full compliance with buffering and Parkway standards, the proposal is compatible with the Neighborhood Form District.

***3.2, 3.3 Consideration of Building Materials, Residential Compatibility, 3.10 Variety of Housing Types, 3.14 Appropriate/Inclusive Housing***

The applicant submitted renderings and elevations of the proposed structures to demonstrate compatibility with the area in terms of proposed construction materials, housing types, and house sizes. These renderings were reviewed at the November 9<sup>th</sup> LD&T meeting and were determined compliant with the standards for multi-family structures and compatible with the surroundings. The possibility of the applicant committing to a certain percentage of units with side-entry garages was also discussed at the LD&T meeting.

***3.9, 3.1, 3.23, 8.3 Visual Impacts, Buffers, Setbacks, Scenic Corridors and Parkways***

The Visual Impact policy of the Comprehensive Plan deals with protection of the character of residential areas and roadway corridors from visual intrusions. The plan complies with the Parkway standards with the required 50-foot parkway buffer area and 75-foot parkway setback identified along the property's frontage on Ballardsville Road. This buffer area will require a minimum of 1 tree for each 40 feet of frontage plus a continuous berm with its average height being at least 3 feet.

The plan also complies with requirements for screening/buffering against single-family uses by providing a 20 to 25' Landscape Buffer Area (LBA) around the perimeter of the site. These LBAs must contain a 6' continuous screen and 2 trees per 100' at a minimum.

***4.1, 4.3 Design of Open Space, Outdoor Recreation***

The Comprehensive Plan encourages open space to be designed to meet either outdoor recreation, natural resource protection, aesthetic, cultural and educational, or public health and safety needs. While the proposal is not dense enough to kick in required open space, the applicant has voluntarily provided some open spaces with pathways that connect into the sidewalk system of the development.

***Mobility / Transportation***

***7.6 Access to Surrounding Landuses, 8.8 Stubstreets, 7.16 Unified Access and Circulation, 7.9 Dedication of ROW, 8.9 Access, 8.11 Internal Circulation***

Trip generation and distribution was provided for this proposal and reviewed by APCD and Transportation Planning. Required improvements on Ballardsville Road have been substantially completed including a westbound right turn lane

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from Ballardsville to the site's entrance road, Murphy Lane, and Ballardsville Road R/W dedication has been provided as required.

### ***9.1 Bicycle and Pedestrian Circulation***

The fee-in-lieu option has been applied to sidewalks on Ballardsville's Road frontage and shall be paid at time of recording the plat.

Sidewalks are shown as required on interior streets of the development.

### **Livability / Environment**

#### ***4.5, 13.5 Natural Features, Tree Canopy***

Tree Canopy Data has been provided on the plan and shows that no existing trees will be preserved. All required canopy coverage will be provided through new plantings. The majority of the site is open and untreed, but the eastern property line adjacent to an existing single-family does have some trees that appear to fall within the required landscape buffer area. Staff recommends, if at all possible, preserving some of those trees as TCPAs.

### ***Relationship to Neighborhood, Small Area, Corridor or Other Plan(s)***

This site is not in the area of any small area or neighborhood plans.

### **Notification**

<b><u>Date Sent</u></b>	<b><u>Description</u></b>	<b><u>Recipients</u></b>
10/27/06	Notice of LD&T meeting	First and second tier adjacent property owners, neighborhood group listing for Council District 16
12/1/06	Notice of Public Hearing	First and second tier adjacent property owners, neighborhood group listing for Council District 16

### **Attached Documents / Information**

- LOJIC map of subject site
- Applicant's Zoning Change Justification Statement

### **Proposed Binding Elements**

1. The development shall be in accordance with the approved District Development and Preliminary Subdivision Plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless

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amended pursuant to the Land Development Code. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The density of the development shall not exceed 4.06 dwelling units per acre (78 units on 19.2 acres).
3. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  1. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable)).
  2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  3. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  4. Location of construction fencing for each tree/tree mass designated to be preserved.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance permit) is requested:
  - a. The development plan must receive full construction approval from *Louisville Metro Department of Inspections, Permits and Licenses and the Metropolitan Sewer District*.
  - b. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning & Design Services.
5. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the

dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

6. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
7. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
8. All plans setting out Tree Canopy Protection Areas (TCPAs) must contain the following notes:
  - a. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
  - b. Dimension lines have been used on this plan to establish the general location of TCPAs and represent minimum distances. The final boundary for each TCPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
  - c. Tree protection fencing shall be erected around all TCPAs prior to site disturbance to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed, the fence shall be relocated to protect all remaining trees within that TCPA.
  - d. No parking, material storage, or construction activities are permitted within the TCPAs beyond that allowed for preliminary site investigation work.
  - g. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway

centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed twelve (12) feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at breast height (DBH) shall be removed without prior approval by DPDS.

9. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
  - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas, open space, TCPAs, WPAs.
  - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
10. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
11. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
12. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the LDC. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.

13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 4, 2007 Planning Commission meeting.
14. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
15. The signature entrance plan shall be submitted to Planning Commission staff for review and approval prior to recording the record plat.
16. The applicant shall obtain approval of a detailed landscape plan for the Parkway Buffer along Ballardsville Road that complies with Chapter 10 Part 3 of the LDC. The landscape buffer area shall be maintained by the property owners association. The landscape plan shall be submitted for review and approval by DPDS staff prior to record plat approval.



**LOCATION MAP  
ROCK SPRING FARM CONDOS  
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